

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSE ANTONIO GRAJALES,  
Plaintiff,

-v-

ELI LILY AND COMPANY, et al.,  
Defendants.

23-CV-6972 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On December 14, 2023, Plaintiff requested a refund of his \$402 payment to this Court. (ECF No. 10.) Because Plaintiff qualifies for *in forma pauperis* status (*see* ECF No. 7), that request is granted.

On September 26, 2023, the Court granted Plaintiff leave to amend his complaint to show that the Court has subject matter jurisdiction of his claims. (ECF No. 5.) Plaintiff may file a second amended complaint with this Court on or before January 3, 2025. As stated in the Court's September 26, 2023 order:

If Plaintiff seeks to bring claims under the Court's federal question jurisdiction, he must allege facts in the amended complaint showing that Defendants caused a violation of his federal constitutional or statutory rights. If Plaintiff wishes to invoke the Court's diversity jurisdiction, he must allege in the second amended complaint facts suggesting that he and defendants are citizens of different states and that his claims are in excess of \$75,000.00. Plaintiff must also allege facts in the second amended complaint alleging facts showing that his claims are timely or that equitable tolling should apply.

(*Id.* at 11.)

Plaintiff should submit any papers to the Court in one of the following ways:

- a. emailing them as an attachment in PDF format to [prose@nysd.uscourts.gov](mailto:prose@nysd.uscourts.gov), in which case he should follow the instructions contained in the April 1, 2020

Addendum to the Court's ECF Rules & Instructions, available at

<https://www.nysd.uscourts.gov/electronic-case-filing>; or

- b. mailing them or delivering them in person to the following address:

U.S. District Court  
Southern District of New York  
Pro Se Intake Unit  
Room 205  
500 Pearl Street  
New York, New York 10007

To ensure timely service of documents, including court orders, *pro se* parties are encouraged to consent to receive electronic service through the ECF System. To do so, a *pro se* party should review the instructions available at [https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent\\_Pro-Se\\_Eservice-Instructions.pdf](https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent_Pro-Se_Eservice-Instructions.pdf), and then submit a Consent to Electronic Service (available at [https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent\\_Pro-Se\\_Eservice-form.pdf](https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent_Pro-Se_Eservice-form.pdf)). For information on the Court's practices in *pro se* cases, including information on how to communicate questions to the Court, the parties should refer to the Individual Rules of Practice in Pro Se Cases, which are available at: <https://nysd.uscourts.gov/hon-j-paul-oetken>.

**Accordingly, it is hereby ORDERED that:**

- 1. Plaintiff may file a second amended complaint on or before January 3, 2025. If no filing is made by January 3, 2025, this case will be dismissed and closed.**
- 2. The Clerk of Court is directed to refund to Plaintiff the \$402 filing fee he paid.**

SO ORDERED.

Dated: November 4, 2024  
New York, New York

  
J. PAUL OETKEN  
United States District Judge